

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:)	Bankruptcy Case No. 08-40566
)	
MARLIN RAY LaCROIX,)	Chapter 13
)	
and)	MOTION TO DISMISS
)	
LAURIE BETH LaCROIX,)	
)	
Debtors.)	

COMES NOW, Dale A. Wein, the standing Chapter 13 Trustee herein, and hereby moves this Court to Dismiss the Debtors' Chapter 13 Bankruptcy pursuant to 11 U.S.C. § 1307. Said Motion is based upon all the records on file with the Clerk of the U. S. Bankruptcy Court and the following:

1. An Order was entered confirming the Debtors' last Plan on February 9, 2009. As a part of the Plan as confirmed the Debtors were required to pay the Trustee 100% of their federal tax refunds beginning year 2008.
2. Despite numerous attempts they have not provided the Trustee with a copy of their return or payment of the refund.
3. As of the undersigned date, the Debtors have failed to either provide the Trustee with a copy of the return or payment of the tax refund. The Debtors' failure to comply with this portion of their Plan constitutes a material default in their payment obligations such that the same constitutes cause for dismissal pursuant to 11 U.S.C. § 1307(c)(6).

WHEREFORE, the Chapter 13 Trustee prays the Court to enter it's Order Dismissing the Debtors' Chapter 13 bankruptcy case, for the payment of all costs of administration of the Estate, and for such other and further relief as the Court may deem just and equitable in the premises.

Dated this 17th day of June, 2009.

DALE A. WEIN
/s/ Dale A. Wein
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